United Nations A/C.6/67/L.7

General Assembly

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24 October 2012

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Sixty-seventh session
Sixth Committee
Agenda item 77
Report of the United Nations Commission on International Trade Law on the work of its forty-fifth session

Draft resolution

Recommendations to assist arbitral institutions and other interested bodies with regard to arbitration under the Arbitration Rules of the United Nations Commission on International Trade Law as revised in 2010

The General Assembly,

Recalling its resolution 2205 (XXI) of 17 December 1966, which established the United Nations Commission on International Trade Law with the purpose of furthering the progressive harmonization and unification of the law of international trade in the interests of all peoples, in particular those of developing countries,

Recalling also its resolutions 31/98 of 15 December 1976 and 65/22 of 6 December 2010, in which it recommended the use of the Arbitration Rules of the United Nations Commission on International Trade Law,[1]

Recognizing the value of arbitration as a method of settling disputes that may arise in the context of international commercial relations,

Noting that the Arbitration Rules are recognized as a very successful text and are used in a wide variety of circumstances covering a broad range of disputes, including disputes between private commercial parties, investor-State disputes, State-to-State disputes and commercial disputes administered by arbitral institutions, in all parts of the world,

Recognizing the value of the 1982 recommendations to assist arbitral institutions and other interested bodies with regard to arbitration under the Arbitration Rules as adopted in 1976,[2]

[1] See *Official Records of the General Assembly, Thirty-first Session, Supplement No. 17* (A/31/17), chap. V, sect. C; and ibid., *Sixty-fifth Session, Supplement No. 17* (A/65/17), annex I.
[2] Ibid., *Thirty-seventh Session, Supplement No. 17* (A/37/17), annex I.

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Also recognizing the need for issuing updated recommendations to assist arbitral institutions and other interested bodies with regard to arbitration under the Arbitration Rules as revised in 2010,

Believing that updated recommendations to assist arbitral institutions and other interested bodies with regard to arbitration under the Arbitration Rules as revised in 2010 will significantly enhance the efficiency of arbitration under the Rules,

Noting that the preparation of the 2012 recommendations to assist arbitral institutions and other interested bodies with regard to arbitration under the Arbitration Rules as revised in 2010 was the subject of due deliberation and consultations with Governments, arbitral institutions and interested bodies,

Convinced that the recommendations as adopted by the Commission at its forty-fifth session[3] are acceptable to arbitral institutions and other interested bodies in countries with different legal, social and economic systems and can significantly contribute to the establishment of a harmonized legal framework for a fair and efficient settlement of international commercial disputes and to the development of harmonious international economic relations,

1. *Expresses its appreciation* to the United Nations Commission on International Trade Law for having formulated and adopted the recommendations to assist arbitral institutions and other interested bodies with regard to arbitration under the Arbitration Rules as revised in 2010;[3]

2. *Recommends* the use of the recommendations in the settlement of disputes arising in the context of international commercial relations;

3. *Requests* the Secretary-General to transmit the recommendations broadly to Governments, with a call for the recommendations to be made available to arbitral institutions and other interested bodies, so that the recommendations become widely known and available;

4. *Also requests* the Secretary-General to publish the recommendations, including electronically, and to make all efforts to ensure that they become generally known and available.

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[3] Ibid., *Sixty-seventh Session, Supplement No. 17* (A/67/17), annex I.

United Nations A/C.6/67/L.8

General Assembly

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25 October 2012

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Sixty-seventh session
Sixth Committee
Agenda item 77
Report of the United Nations Commission on International Trade Law on the work of its forty-fifth session

Draft resolution

Report of the United Nations Commission on International Trade Law on the work of its forty-fifth session

The General Assembly,

Recalling its resolution 2205 (XXI) of 17 December 1966, by which it established the United Nations Commission on International Trade Law with a mandate to further the progressive harmonization and unification of the law of international trade and in that respect to bear in mind the interests of all peoples, in particular those of developing countries, in the extensive development of international trade,

Reaffirming its belief that the progressive modernization and harmonization of international trade law, in reducing or removing legal obstacles to the flow of international trade, especially those affecting developing countries, would contribute significantly to universal economic cooperation among all States on a basis of equality, equity, common interest and respect for the rule of law, to the elimination of discrimination in international trade and, thereby, to peace, stability and the well-being of all peoples,

Having considered the report of the Commission,[1]

Reiterating its concern that activities undertaken by other bodies in the field of international trade law without adequate coordination with the Commission might lead to undesirable duplication of efforts and would not be in keeping with the aim of promoting efficiency, consistency and coherence in the unification and harmonization of international trade law,

Reaffirming the mandate of the Commission, as the core legal body within the United Nations system in the field of international trade law, to coordinate legal activities in this field, in particular to avoid duplication of efforts, including among

[1] *Official Records of the General Assembly, Sixty-seventh Session, Supplement No. 17* (A/67/17).

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organizations formulating rules of international trade, and to promote efficiency, consistency and coherence in the modernization and harmonization of international trade law, and to continue, through its secretariat, to maintain close cooperation with other international organs and organizations, including regional organizations, active in the field of international trade law,

1. *Takes note with appreciation* of the report of the United Nations Commission on International Trade Law;[1]

2. *Commends* the Commission for the finalization and adoption of the Guide to Enactment of the United Nations Commission on International Trade Law Model Law on Public Procurement[2] and the recommendations to assist arbitral institutions and other interested bodies with regard to arbitration under its Arbitration Rules as revised in 2010;[3]

3. *Takes note with interest* of the progress made by the Commission in its work in the areas of arbitration and conciliation, online dispute resolution, electronic commerce, insolvency law and security interests;[4]

4. *Notes* the discussions undertaken by the Commission as regards its possible future work in the areas of public procurement and related areas, including public-private partnerships, microfinance and international contract law, and endorses the Commission's agreement to hold one or more colloquiums on microfinance and related matters, possibly in different regions, as well as a colloquium to identify the scope of possible work and primary issues to be addressed in the area of public-private partnerships;[5]

5. *Notes with appreciation* projects of the Commission aimed at promoting the uniform and effective application of the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, done at New York on 10 June 1958,[6] including the preparation of a guide on the Convention;[7]

6. *Notes* the decision of the Commission to commend the use of the 2010 edition of the International Institute for the Unification of Private Law Principles of International Commercial Contracts, as appropriate, for their intended purposes, and of Incoterms 2010, as appropriate, in international sales transactions;[8]

7. *Endorses* the efforts and initiatives of the Commission, as the core legal body within the United Nations system in the field of international trade law, aimed at increasing coordination of and cooperation on legal activities of international and regional organizations active in the field of international trade law and at promoting the rule of law at the national and international levels in this field, and in this regard appeals to relevant international and regional organizations to coordinate their legal activities with those of the Commission, to avoid duplication of efforts and to promote efficiency, consistency and coherence in the modernization and harmonization of international trade law;

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[2] Ibid., chap. III.

[3] Ibid., chap. IV and annex I.

[4] Ibid., chaps. V-IX.

[5] Ibid., chaps. X-XII.

[6] United Nations, *Treaty Series*, vol. 330, No. 4739.

[7] *Official Records of the General Assembly, Sixty-seventh Session, Supplement No. 17* (A/67/17), chap. XIII.

[8] Ibid., chap. XIV.

8. *Notes with appreciation* the significant progress made in the coordination and cooperation activities of the Commission in the field of security interests, in particular the publication of "UNCITRAL, Hague Conference and Unidroit texts on security interests", prepared with the contribution of the Permanent Bureau of the Hague Conference and the secretariat of the International Institute for the Unification of Private Law, and the ongoing preparation of a joint set of principles on effective secured transaction regimes in cooperation with the World Bank and outside experts;[9]

9. *Notes* the agreement of the Commission that a coordinated approach to the matter of the law applicable to the proprietary effects of assignments of receivables is in the interest of all States and its request to the Secretariat to cooperate closely with the European Commission with a view to ensuring a coordinated approach to the matter, taking into account the approach followed in the United Nations Convention on the Assignment of Receivables in International Trade[10] and the *UNCITRAL Legislative Guide on Secured Transactions*;[11]

10. *Reaffirms* the importance, in particular for developing countries, of the work of the Commission concerned with technical cooperation and assistance in the field of international trade law reform and development, and in this connection:

(a) Welcomes the initiatives of the Commission towards expanding, through its secretariat, its technical cooperation and assistance programme, and in that respect encourages the Secretary-General to seek partnerships with State and non-State actors to increase awareness about the work of the Commission and facilitate the effective implementation of legal standards resulting from its work;

(b) Expresses its appreciation to the Commission for carrying out technical cooperation and assistance activities and for providing assistance with legislative drafting in the field of international trade law, and draws the attention of the Secretary-General to the limited resources that are made available in this field;

(c) Expresses its appreciation to the Governments whose contributions enabled the technical cooperation and assistance activities to take place, and appeals to Governments, the relevant bodies of the United Nations system, organizations, institutions and individuals to make voluntary contributions to the United Nations Commission on International Trade Law Trust Fund for Symposia and, where appropriate, for the financing of special projects, and otherwise to assist the secretariat of the Commission in carrying out technical cooperation and assistance activities, in particular in developing countries;

(d) Reiterates its appeal to the United Nations Development Programme and other bodies responsible for development assistance, such as the World Bank and regional development banks, as well as to Governments in their bilateral aid programmes, to support the technical cooperation and assistance programme of the Commission and to cooperate and coordinate their activities with those of the Commission in the light of the relevance and importance of the work and programmes of the Commission for the promotion of the rule of law at the national and international levels and for the implementation of the United Nations

[9] Ibid., paras. 165-168.

[10] Resolution 56/81, annex.

[11] United Nations publication, Sales No. E.09.V.12; see also *Official Records of the General Assembly, Sixty-seventh Session, Supplement No. 17* (A/67/17), para. 168.

development agenda, including the achievement of the Millennium Development Goals;

11. *Takes note with interest* of the note by the Secretariat setting out a number of issues for consideration by the Commission in setting the parameters for a strategic plan for the Commission,[12] and endorses the Commission's agreement to consider and provide guidance on, inter alia, the strategic considerations at its forty-sixth session;[13]

12. *Calls upon* Member States, non-member States, observer organizations and the Secretariat to apply the rules of procedure and methods of work of the Commission, taking into account the summary of conclusions as reproduced in annex III to the report on the work of its forty-third session,[14] with a view to ensuring the high quality of the work of the Commission and international acceptability of its instruments, and in this regard recalls its previous resolutions related to this matter;

13. *Welcomes* the opening, on 10 January 2012, of the United Nations Commission on International Trade Law Regional Centre for Asia and the Pacific, in the Republic of Korea, as a novel yet important first step for the Commission in reaching out and providing technical assistance to developing countries in the region, notes with satisfaction expressions of interest from other States, including Kenya and Singapore, in hosting regional centres of the Commission and the request by the Commission to the Secretariat to further pursue administrative arrangements with the Governments of Kenya and Singapore for the establishment of such centres, and requests the Secretary-General to keep the General Assembly informed of developments regarding the establishment of regional centres, in particular, their funding and budgetary situation;[15]

14. *Appeals* to Governments, the relevant bodies of the United Nations system, organizations, institutions and individuals to make voluntary contributions to the trust fund established to provide travel assistance to developing countries that are members of the Commission, at their request and in consultation with the Secretary-General, in order to enable renewal of the provision of that assistance and to increase expert representation from developing countries at sessions of the Commission and its working groups, necessary to build local expertise and capacities in the field of international trade law in those countries to facilitate the development of international trade and the promotion of foreign investment;

15. *Decides*, in order to ensure full participation of all Member States in the sessions of the Commission and its working groups, to continue, in the competent Main Committee during the sixty-seventh session of the General Assembly, its consideration of granting travel assistance to the least developed countries that are members of the Commission, at their request and in consultation with the Secretary-General;

16. *Endorses* the conviction of the Commission that the implementation and effective use of modern private law standards on international trade are essential for

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[12] A/CN.9/752 and Add.1.

[13] *Official Records of the General Assembly, Sixty-seventh Session, Supplement No. 17* (A/67/17), chap. XXI.

[14] Ibid., *Sixty-fifth Session, Supplement No. 17* (A/65/17).

[15] Ibid., *Sixty-seventh Session, Supplement No. 17* (A/67/17), chap. XIX.

advancing good governance, sustained economic development and the eradication of poverty and hunger and that the promotion of the rule of law in commercial relations should be an integral part of the broader agenda of the United Nations to promote the rule of law at the national and international levels, including through the Rule of Law Coordination and Resource Group, supported by the Rule of Law Unit in the Executive Office of the Secretary-General;

17. *Takes note with appreciation*, in this regard, of the rule of law briefing by the Rule of Law Unit, held during the forty-fifth session of the Commission,[16] which allowed the Commission to contribute its views to the high-level meeting of the General Assembly on the topic "The rule of law at the national and international levels", held on 24 September 2012;

18. *Notes* the actions taken by the Commission after the briefing on the rule of law, in particular the messages of the Commission to the high-level meeting addressed to States and the United Nations, including recommended steps that should contribute to building the local capacity of States to continually engage in commercial law reforms at the country level and in a coordinated fashion in the rule-formulating activities of regional and international bodies;[17]

19. *Reiterates its request* to the Secretary-General, in conformity with General Assembly resolutions on documentation-related matters,[18] which, in particular, emphasize that any invitation to limit, where appropriate, the length of documents should not adversely affect either the quality of the presentation or the substance of the documents, to bear in mind the particular characteristics of the mandate and functions of the Commission in the progressive development and codification of international trade law when implementing page limits with respect to the documentation of the Commission;[19]

20. *Requests* the Secretary-General to continue providing summary records of the meetings of the Commission, including committees of the whole established by the Commission for the duration of its annual session, relating to the formulation of normative texts, takes note of the Commission's confirmation that good-quality summary records remain the best available option for preserving complete and accurate *travaux préparatoires* of the Commission's work in the most user-friendly and reliable way, welcomes the Commission's willingness to consider at the same time modern solutions that might address existing problems with the issuance of summary records and add useful features in the use of the Commission's records, and endorses the agreement of the Commission to assess at its forty-seventh session, in 2014, the experience of using digital recordings and, on the basis of that assessment, take a decision regarding the possible replacement of summary records by digital recording;[20]

21. *Welcomes* the review by the Commission of the proposed biennial programme plan for subprogramme 5 (Progressive harmonization, modernization and unification of the law of international trade) of programme 6 (Legal affairs) of

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[16] Ibid., chap. XX.

[17] Ibid., paras. 211-227.

[18] Resolutions 52/214, sect. B, 57/283 B, sect. III, and 58/250, sect. III.

[19] Resolutions 59/39, para. 9, and 65/21, para. 18; see also *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 17* (A/59/17), paras. 124-128.

[20] *Official Records of the General Assembly, Sixty-seventh Session, Supplement No. 17* (A/67/17), paras. 241-249.

the proposed strategic framework for the period 2014-2015,[21] takes note that the Commission expressed concern that the resources allotted to the Secretariat under subprogramme 5 were insufficient for it to meet the increased demand from developing countries and countries with economies in transition for technical assistance with law reform in the field of commercial law, also takes note that the Commission urged the Secretary-General to take steps to ensure that the comparatively small amount of additional resources necessary to meet a demand so crucial to development are made available promptly,[22] and recalls paragraph 48 of its resolution 66/246 regarding the rotation scheme of meetings between Vienna and New York;

22. *Notes* the concern expressed by the Commission over the lack of sufficient resources in its secretariat for responding to the growing need for the uniform interpretation of Commission texts, which is considered indispensable for their effective implementation, and also notes that the Commission encouraged the Secretariat to explore various means of addressing this concern, inter alia, by building partnerships with interested institutions and establishing within the Commission's secretariat a pillar concentrating on the promotion of ways and means of interpreting uniformly Commission texts, in particular by sustaining and expanding the system for the collection and dissemination of case law on Commission texts (the CLOUT system);[23]

23. *Stresses* the importance of promoting the use of texts emanating from the work of the Commission for the global unification and harmonization of international trade law, and to this end urges States that have not yet done so to consider signing, ratifying or acceding to conventions, enacting model laws and encouraging the use of other relevant texts;

24. *Welcomes* the preparation of digests of case law relating to the texts of the Commission, notes with appreciation the continuing increase in the number of abstracts available through the CLOUT system, and welcomes the publication of the UNCITRAL Digest of Case Law on the United Nations Convention on Contracts for the International Sale of Goods, 2012 edition, and the *UNCITRAL 2012 Digest of Case Law on the Model Law on International Commercial Arbitration*,[24] as well as the agreement of the Commission that a digest of case law on the Model Law on Cross-Border Insolvency be prepared, subject to the availability of resources in the Secretariat.[25]

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[21] A/67/6 (Prog. 6).

[22] *Official Records of the General Assembly, Sixty-seventh Session, Supplement No. 17* (A/67/17), paras. 250 and 251.

[23] Ibid., para. 252.

[24] United Nations publication, Sales No. E.12.V.9.

[25] *Official Records of the General Assembly, Sixty-seventh Session, Supplement No. 17* (A/67/17), para. 156.

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General Assembly

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Sixty-seventh session
Sixth Committee
Agenda item 83
The rule of law at the national and international levels

Draft resolution

The rule of law at the national and international levels

The General Assembly,

Recalling its resolution 66/102 of 9 December 2011,

Reaffirming its commitment to the purposes and principles of the Charter of the United Nations and international law, which are indispensable foundations of a more peaceful, prosperous and just world, and reiterating its determination to foster strict respect for them and to establish a just and lasting peace all over the world,

Reaffirming that human rights, the rule of law and democracy are interlinked and mutually reinforcing and that they belong to the universal and indivisible core values and principles of the United Nations,

Reaffirming also the need for universal adherence to and implementation of the rule of law at both the national and international levels and its solemn commitment to an international order based on the rule of law and international law, which, together with the principles of justice, is essential for peaceful coexistence and cooperation among States,

Convinced that the advancement of the rule of law at the national and international levels is essential for the realization of sustained economic growth, sustainable development, the eradication of poverty and hunger and the protection of all human rights and fundamental freedoms, and acknowledging that collective security depends on effective cooperation, in accordance with the Charter and international law, against transnational threats,

Reaffirming the duty of all States to refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes and principles of the United Nations and to settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered, in accordance with Chapter VI of the Charter, and calling upon States that have not yet done so to consider accepting the jurisdiction of the International Court of Justice in accordance with its Statute,

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Convinced that the promotion of and respect for the rule of law at the national and international levels, as well as justice and good governance, should guide the activities of the United Nations and of its Member States,

Recalling paragraph 134 (e) of the 2005 World Summit Outcome,[1]

1. *Recalls* the high-level meeting of the General Assembly on the rule of law at the national and international levels, held during the high-level segment of its sixty-seventh session, and the Declaration adopted at that meeting;[2]

2. *Takes note* of the annual report of the Secretary-General on strengthening and coordinating United Nations rule of law activities;[3]

3. *Reaffirms* the role of the General Assembly in encouraging the progressive development of international law and its codification, and reaffirms further that States shall abide by all their obligations under international law;

4. *Reaffirms also* the imperative of upholding and promoting the rule of law at the international level in accordance with the principles of the Charter;

5. *Welcomes* the dialogue initiated by the Rule of Law Coordination and Resource Group and the Rule of Law Unit with Member States on the topic "Promoting the rule of law at the international level", and calls for the continuation of this dialogue with a view to fostering the rule of law at the international level;

6. *Stresses* the importance of adherence to the rule of law at the national level and the need to strengthen support to Member States, upon their request, in the domestic implementation of their respective international obligations through enhanced technical assistance and capacity-building;

7. *Reiterates its request* to the Secretary-General to ensure greater coordination and coherence among the United Nations entities and with donors and recipients, and reiterates its call for greater evaluation of the effectiveness of such activities, including possible measures to improve the effectiveness of those capacity-building activities;

8. *Calls*, in this context, for dialogue to be enhanced among all stakeholders with a view to placing national perspectives at the centre of rule of law assistance in order to strengthen national ownership;

9. *Calls upon* the Secretary-General and the United Nations system to systematically address, as appropriate, aspects of the rule of law in relevant activities, including the participation of women in rule of law-related activities, recognizing the importance of the rule of law to virtually all areas of United Nations engagement;

10. *Expresses full support* for the overall coordination and coherence role of the Rule of Law Coordination and Resource Group within the United Nations system within existing mandates, supported by the Rule of Law Unit in the Executive Office of the Secretary-General, under the leadership of the Deputy Secretary-General;

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[1] Resolution 60/1.

[2] Resolution 67/1.

[3] A/67/290.

11. *Requests* the Secretary-General to submit, in a timely manner, his next annual report on United Nations rule of law activities, in accordance with paragraph 5 of its resolution 63/128 of 11 December 2008;

12. *Recognizes* the importance of restoring confidence in the rule of law as a key element of transitional justice;

13. *Encourages* the Secretary-General and the United Nations system to accord high priority to rule of law activities;

14. *Invites* the International Court of Justice, the United Nations Commission on International Trade Law and the International Law Commission to continue to comment, in their respective reports to the General Assembly, on their current roles in promoting the rule of law;

15. *Invites* the Rule of Law Coordination and Resource Group and the Rule of Law Unit to continue to interact with Member States on a regular basis, in particular in informal briefings;

16. *Stresses* the need to provide the Rule of Law Unit with the necessary funding and staff in order to enable it to carry out its tasks in an effective and sustainable manner, and urges the Secretary-General and Member States to continue to support the functioning of the Unit;

17. *Decides* to include in the provisional agenda of its sixty-eighth session the item entitled "The rule of law at the national and international levels", and invites Member States to focus their comments in the upcoming Sixth Committee debates on the subtopics "The rule of law and the peaceful settlement of international disputes" (sixty-eighth session) and "Sharing States' national practices in strengthening the rule of law through access to justice" (sixty-ninth session).

United Nations A/C.6/67/L.10

General Assembly

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5 November 2012

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Sixty-seventh session
Sixth Committee
Agenda item 81
Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives

Albania, Austria, Denmark, Finland, France, Hungary, Iceland, Italy, Lithuania, Luxembourg, Montenegro, New Zealand, Norway, Peru, Poland, Portugal, Serbia, Spain and Sweden: draft resolution

Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives

The General Assembly,

Having considered the report of the Secretary-General,[1]

Conscious of the need to develop and strengthen friendly relations and cooperation among States,

Convinced that respect for the principles and rules of international law governing diplomatic and consular relations is a basic prerequisite for the normal conduct of relations among States and for the fulfilment of the purposes and principles of the Charter of the United Nations,

Alarmed by the new and recurring acts of violence against diplomatic and consular representatives, as well as against representatives to international intergovernmental organizations and officials of such organizations, which endanger or take innocent lives and seriously impede the normal work of such representatives and officials,

Expressing sympathy for the victims of such illegal acts,

Concerned at the failure to respect the inviolability of diplomatic and consular missions and representatives,

[1] A/67/126 and Add.1.

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Recalling that, without prejudice to their privileges and immunities, it is the duty of all persons enjoying such privileges and immunities to respect the laws and regulations of the receiving State,

Recalling also that diplomatic and consular premises must not be used in any manner incompatible with the functions of diplomatic and consular missions,

Emphasizing the duty of States to take all appropriate measures, as required by international law, in a timely manner, for the protection of diplomatic and consular missions and representatives as well as missions and representatives to international intergovernmental organizations and officials of such organizations, including measures of a preventive nature, and to bring offenders to justice,

Welcoming measures already taken by States to this end in conformity with their international obligations,

Convinced that the role of the United Nations, which includes the reporting procedures established pursuant to General Assembly resolution 35/168 of 15 December 1980 and further elaborated in subsequent Assembly resolutions, is important in promoting efforts to enhance the protection, security and safety of diplomatic and consular missions and representatives,

1. *Welcomes* the report of the Secretary-General;[1]

2. *Strongly condemns* acts of violence against diplomatic and consular missions and representatives, as well as against missions and representatives to international intergovernmental organizations and officials of such organizations, and emphasizes that such acts can never be justified;

3. *Urges* States to strictly observe, implement and enforce the applicable principles and rules of international law governing diplomatic and consular relations, including during a period of armed conflict, and, in particular, to ensure, in conformity with their international obligations, the protection, security and safety of the missions, representatives and officials mentioned in paragraph 2 above officially present in territories under their jurisdiction, including practical measures to prevent and prohibit in their territories illegal activities of persons, groups and organizations that encourage, instigate, organize or engage in the perpetration of acts against the security and safety of such missions, representatives and officials;

4. *Also urges* States to take all appropriate measures at the national and international levels to prevent any acts of violence against the missions, representatives and officials mentioned in paragraph 2 above, including during a period of armed conflict, and to ensure, with the participation of the United Nations where appropriate, that such acts are fully investigated with a view to bringing offenders to justice;

5. *Recommends* that States cooperate closely through, inter alia, contacts between the diplomatic and consular missions and the receiving State with regard to practical measures designed to enhance the protection, security and safety of diplomatic and consular missions and representatives, including measures of a preventive nature, and with regard to the timely exchange of information on the circumstances of all serious violations thereof;

6. *Urges* States to take all appropriate measures, in accordance with international law, at the national and international levels, to prevent any abuse of

diplomatic or consular privileges and immunities, in particular serious abuses, including those involving acts of violence;

7. *Recommends* that States cooperate closely with the State in whose territory abuses of diplomatic and consular privileges and immunities may have occurred, including by exchanging information and providing assistance to its juridical authorities in order to bring offenders to justice;

8. *Calls upon* States that have not yet done so to consider becoming parties to the instruments relevant to the protection, security and safety of diplomatic and consular missions and representatives;

9. *Calls upon* States, in cases where a dispute arises in connection with a violation of their international obligations concerning the protection of the missions or the security of the representatives and officials mentioned in paragraph 2 above, to make use of the means available for peaceful settlement of disputes, including the good offices of the Secretary-General, and requests the Secretary-General, when he deems it appropriate, to offer his good offices to the States directly concerned;

10. *Urges*:

(a) All States to report to the Secretary-General, in a concise and expeditious manner and in accordance with the guidelines prepared by the Secretary-General,[2] serious violations of the protection, security and safety of diplomatic and consular missions and representatives as well as missions and representatives with diplomatic status to international intergovernmental organizations;

(b) The State in which the violation took place — and, to the extent possible, the State where the alleged offender is present — to report to the Secretary-General, in a concise and expeditious manner and in accordance with the guidelines prepared by the Secretary-General, on measures taken to bring the offender to justice and eventually to communicate, in accordance with its laws, the final outcome of the proceedings against the offender, and to report on measures adopted with a view to preventing a repetition of such violations;

11. *Requests* the Secretary-General:

(a) To send, without delay, a circular note to all States reminding them of the request contained in paragraph 10 above;

(b) To circulate to all States, upon receipt, the reports received by him pursuant to paragraph 10 above, unless the reporting State requests otherwise;

(c) To draw the attention, when appropriate, of the States directly concerned to the reporting procedures provided for in paragraph 10 above, when a serious violation has been reported pursuant to paragraph 10 (a) above;

(d) To address reminders to States where such violations have occurred if reports pursuant to paragraph 10 (a) above or follow-up reports pursuant to paragraph 10 (b) above have not been made within a reasonable period of time;

12. *Also requests* the Secretary-General to invite States, in the circular note referred to in paragraph 11 (a) above, to inform him of their views with respect to any measures needed or already taken to enhance the protection, security and safety

[2] A/42/485, annex.

of diplomatic and consular missions and representatives as well as missions and representatives with diplomatic status to international intergovernmental organizations;

13. *Further requests* the Secretary-General to submit to the General Assembly at its sixty-ninth session a report containing:

(a) Information on the state of ratification of and accessions to the instruments referred to in paragraph 8 above;

(b) A summary of the reports received and views expressed pursuant to paragraphs 10 and 12 above;

14. *Invites* the Secretary-General to include in his report to the General Assembly any views he may wish to express on the matters referred to in paragraph 13 above;

15. *Decides* to include in the provisional agenda of its sixty-ninth session the item entitled "Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives".

United Nations A/C.6/67/L.11

General Assembly

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6 November 2012

Original: English

Sixty-seventh session
Sixth Committee
Agenda item 82
Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

Draft resolution

Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

The General Assembly,

Recalling its resolution 3499 (XXX) of 15 December 1975, by which it established the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, and its relevant resolutions adopted at subsequent sessions,

Recalling also its resolution 47/233 of 17 August 1993 on the revitalization of the work of the General Assembly,

Recalling further its resolution 47/62 of 11 December 1992 on the question of equitable representation on and increase in the membership of the Security Council,

Taking note of the report of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters related to the Security Council,[1]

Recalling the elements relevant to the work of the Special Committee contained in its resolution 47/120 B of 20 September 1993,

Recalling also its resolution 51/241 of 31 July 1997 on the strengthening of the United Nations system and its resolution 51/242 of 15 September 1997, entitled "Supplement to an Agenda for Peace", by which it adopted the texts on coordination and the question of sanctions imposed by the United Nations, which are annexed to that resolution,

[1] *Official Records of the General Assembly, Sixty-third Session, Supplement No. 47* (A/63/47).

Please recycle

Concerned about the special economic problems confronting certain States arising from the carrying-out of preventive or enforcement measures taken by the Security Council against other States, and taking into account the obligation of Members of the United Nations under Article 49 of the Charter of the United Nations to join in affording mutual assistance in carrying out the measures decided upon by the Council,

Recalling the right of third States confronted with special economic problems of that nature to consult the Security Council with regard to a solution of those problems, in accordance with Article 50 of the Charter,

Recalling also that the International Court of Justice is the principal judicial organ of the United Nations, and reaffirming its authority and independence,

Mindful of the adoption of the revised working papers on the working methods of the Special Committee,[2]

Taking note of the report of the Secretary-General entitled "*Repertory of Practice of United Nations Organs* and *Repertoire of the Practice of the Security Council*",[3]

Taking note also of paragraphs 106 to 110, 176 and 177 of the 2005 World Summit Outcome,[4]

Mindful of the decision of the Special Committee in which it expressed its readiness to engage, as appropriate, in the implementation of any decisions that might be taken at the high-level plenary meeting of the sixtieth session of the General Assembly in September 2005 that concerned the Charter and any amendments thereto,[5]

Recalling the provisions of its resolutions 50/51 of 11 December 1995, 51/208 of 17 December 1996, 52/162 of 15 December 1997, 53/107 of 8 December 1998, 54/107 of 9 December 1999, 55/157 of 12 December 2000, 56/87 of 12 December 2001, 57/25 of 19 November 2002, 58/80 of 9 December 2003 and 59/45 of 2 December 2004,

Recalling also its resolution 64/115 of 16 December 2009 and the document entitled "Introduction and implementation of sanctions imposed by the United Nations" annexed thereto,

Having considered the report of the Special Committee on the work of its session held in 2012,[6]

Noting with appreciation the work done by the Special Committee to encourage States to focus on the need to prevent and to settle peacefully their disputes which are likely to endanger the maintenance of international peace and security,

1. *Takes note* of the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization;[6]

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[2] Ibid., *Sixty-first Session, Supplement No. 33* (A/61/33), para. 72.

[3] A/67/189.

[4] See resolution 60/1.

[5] *Official Records of the General Assembly, Sixtieth Session, Supplement No. 33* (A/60/33), para. 77.

[6] Ibid., *Sixty-seventh Session, Supplement No. 33* (A/67/33).

2. *Decides* that the Special Committee shall hold its next session from 19 to 27 February 2013;

3. *Requests* the Special Committee, at its session in 2013, in accordance with paragraph 5 of General Assembly resolution 50/52 of 11 December 1995:

(a) To continue its consideration of all proposals concerning the question of the maintenance of international peace and security in all its aspects in order to strengthen the role of the United Nations and, in this context, to consider other proposals relating to the maintenance of international peace and security already submitted or which may be submitted to the Special Committee at its session in 2013;

(b) To continue to consider, in an appropriate substantive manner and framework, the question of the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter based on all of the related reports of the Secretary-General[7] and the proposals submitted on the question;

(c) To keep on its agenda the question of the peaceful settlement of disputes between States;

(d) To consider, as appropriate, any proposal referred to it by the General Assembly in the implementation of the decisions of the high-level plenary meeting of the sixtieth session of the General Assembly in September 2005 that concern the Charter and any amendments thereto;

(e) To continue to consider, on a priority basis, ways and means of improving its working methods and enhancing its efficiency with a view to identifying widely acceptable measures for future implementation;

4. *Invites* the Special Committee, at its session in 2013, to continue to identify new subjects for consideration in its future work with a view to contributing to the revitalization of the work of the United Nations;

5. *Notes* the readiness of the Special Committee to provide, within its mandate, such assistance as may be sought at the request of other subsidiary bodies of the General Assembly in relation to any issues before them;

6. *Requests* the Special Committee to submit a report on its work to the General Assembly at its sixty-eighth session;

7. *Recognizes* the important role of the International Court of Justice, the principal judicial organ of the United Nations, in adjudicating disputes among States and the value of its work, as well as the importance of having recourse to the Court in the peaceful settlement of disputes, takes note, consistent with Article 96 of the Charter, of the Court's advisory jurisdiction that may be requested by the General Assembly, the Security Council or other authorized organs of the United Nations and the specialized agencies, and requests the Secretary-General to distribute, in due course, the advisory opinions requested by the principal organs of the United Nations as official documents of the United Nations;

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[7] A/48/573-S/26705, A/49/356, A/50/60-S/1995/1, A/50/361, A/50/423, A/51/317, A/52/308, A/53/312, A/54/383 and Add.1, A/55/295 and Add.1, A/56/303, A/57/165 and Add.1, A/58/346, A/59/334, A/60/320, A/61/304, A/62/206 and Corr.1, A/63/224, A/64/225, A/65/217, A/66/213 and A/67/190.

8. *Commends* the Secretary-General for the progress made in the preparation of studies for the *Repertory of Practice of United Nations Organs*, including the increased use of the internship programme of the United Nations and further expanded cooperation with academic institutions for this purpose, as well as the progress made towards updating the *Repertoire of the Practice of the Security Council*;

9. *Notes with appreciation* the contributions made by Member States to the trust fund for the elimination of the backlog in the *Repertory*, as well as the trust fund for the updating of the *Repertoire*;

10. *Reiterates its call* for: voluntary contributions to the trust fund for the elimination of the backlog in the *Repertory* so as to further support the Secretariat in carrying out the effective elimination of that backlog; voluntary contributions to the trust fund for the updating of the *Repertoire*; and the sponsoring, on a voluntary basis and with no cost to the United Nations, of associate experts to assist in the updating of the two publications;

11. *Calls upon* the Secretary-General to continue his efforts towards updating the two publications and making them available electronically in all their respective language versions;

12. *Notes with concern* that the backlog in the preparation of volume III of the *Repertory* has not been eliminated, and calls upon the Secretary-General to address that issue effectively and on a priority basis, while commending the Secretary-General for some progress made in reducing the backlog;

13. *Reiterates* the responsibility of the Secretary-General for the quality of the *Repertory* and the *Repertoire*, and, with regard to the *Repertoire*, calls upon the Secretary-General to continue to follow the modalities outlined in paragraphs 102 to 106 of his report of 18 September 1952;[8]

14. *Requests* the Secretary-General to submit to the General Assembly, at its sixty-eighth session, a report on both the *Repertory* and the *Repertoire*;

15. *Also requests* the Secretary-General to brief the Special Committee at its next session on the information referred to in paragraph 12 of his report on the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions;[9]

16. *Further requests* the Secretary-General to submit to the General Assembly, at its sixty-eighth session, under the item entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization", a report on the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions;

17. *Decides* to include in the provisional agenda of its sixty-eighth session the item entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization".

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[8] A/2170.

[9] A/67/190.

United Nations A/C.6/67/L.12

General Assembly

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7 November 2012

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Sixty-seventh session
Sixth Committee
Agenda item 105
Measures to eliminate international terrorism

Draft resolution

Measures to eliminate international terrorism

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming, in all its aspects, the United Nations Global Counter-Terrorism Strategy adopted on 8 September 2006,[1] enhancing the overall framework for the efforts of the international community to effectively counter the scourge of terrorism in all its forms and manifestations, and recalling the first, second and third biennial reviews of the Strategy, on 4 and 5 September 2008, 8 September 2010, and 28 and 29 June 2012 respectively, and the debates that were held on those occasions,[2]

Recalling its resolutions 62/272 of 5 September 2008, 64/297 of 8 September 2010 and 66/282 of 29 June 2012,

Recalling also its resolution 66/10 of 18 November 2011,

Recalling further the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,[3]

Recalling the United Nations Millennium Declaration,[4]

Recalling also the 2005 World Summit Outcome,[5] and reaffirming in particular the section on terrorism,

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[1] Resolution 60/288.

[2] See *Official Records of the General Assembly, Sixty-second Session, Plenary Meetings*, 117th to 120th meetings (A/62/PV.117-120), and corrigendum; ibid., *Sixty-fourth Session, Plenary Meetings*, 116th and 117th meetings (A/64/PV.116 and 117), and corrigendum; and ibid., *Sixty-sixth Session, Plenary Meetings*, 118th to 120th meetings (A/66/PV.118-120), and corrigendum.

[3] Resolution 50/6.

[4] Resolution 55/2.

[5] Resolution 60/1.

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Recalling further the Declaration on Measures to Eliminate International Terrorism, contained in the annex to General Assembly resolution 49/60 of 9 December 1994, and the Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism, contained in the annex to Assembly resolution 51/210 of 17 December 1996,

Recalling all General Assembly resolutions on measures to eliminate international terrorism and Security Council resolutions on threats to international peace and security caused by terrorist acts,

Convinced of the importance of the consideration of measures to eliminate international terrorism by the General Assembly as the universal organ having competence to do so,

Deeply disturbed by the persistence of terrorist acts, which have been carried out worldwide,

Reaffirming its strong condemnation of the heinous acts of terrorism that have caused enormous loss of human life, destruction and damage, including those which prompted the adoption of General Assembly resolution 56/1 of 12 September 2001, as well as Security Council resolutions 1368 (2001) of 12 September 2001, 1373 (2001) of 28 September 2001 and 1377 (2001) of 12 November 2001, and those that have occurred since,

Reaffirming also its strong condemnation of the atrocious and deliberate attacks that have occurred against United Nations offices in various parts of the world,

Affirming that States must ensure that any measure taken to combat terrorism complies with all their obligations under international law and must adopt such measures in accordance with international law, in particular international human rights, refugee and humanitarian law,

Stressing the need to strengthen further international cooperation among States and among international organizations and agencies, regional organizations and arrangements and the United Nations in order to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever and by whomsoever committed, in accordance with the principles of the Charter, international law and the relevant international conventions,

Noting the role of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism in monitoring the implementation of that resolution, including the taking of the necessary financial, legal and technical measures by States and the ratification or acceptance of the relevant international conventions and protocols,

Mindful of the need to enhance the role of the United Nations and the relevant specialized agencies in combating international terrorism and of the proposals of the Secretary-General to enhance the role of the Organization in this respect,

Mindful also of the essential need to strengthen international, regional and subregional cooperation aimed at enhancing the national capacity of States to prevent and effectively suppress international terrorism in all its forms and manifestations,

Reiterating its call upon States to review urgently the scope of the existing international legal provisions on the prevention, repression and elimination of terrorism in all its forms and manifestations, with the aim of ensuring that there is a comprehensive legal framework covering all aspects of the matter,

Emphasizing that tolerance and dialogue among civilizations and the enhancement of interfaith and intercultural understanding are among the most important elements in promoting cooperation and success in combating terrorism, and welcoming the various initiatives to this end,

Reaffirming that no terrorist act can be justified in any circumstances,

Recalling Security Council resolution 1624 (2005) of 14 September 2005, and bearing in mind that States must ensure that any measure taken to combat terrorism complies with their obligations under international law, in particular international human rights, refugee and humanitarian law,

Taking note of recent developments and initiatives at the international, regional and subregional levels to prevent and suppress international terrorism, including those of the African Union, the Asia-Pacific Economic Cooperation, the Association of Southeast Asian Nations, the Bali Counter-Terrorism Process, the Central American Integration System, the Collective Security Treaty Organization, the Common Market for Eastern and Southern Africa, the Conference on Interaction and Confidence-building Measures in Asia, the Cooperation Council for the Arab States of the Gulf, the Council of Europe, the East African Community, the Economic Community of West African States, the Euro-Mediterranean Partnership, the European Free Trade Association, the European Union, the Global Counterterrorism Forum, the Group of Eight, the Intergovernmental Authority on Development, the International Civil Aviation Organization, the International Maritime Organization, the League of Arab States, the Movement of Non-Aligned Countries, the North Atlantic Treaty Organization, the Organization for Economic Cooperation and Development, the Organization for Security and Cooperation in Europe, the Organization of American States, the Organization of Islamic Cooperation, the Pacific Islands Forum, the Regional Forum of the Association of Southeast Asian Nations, the Shanghai Cooperation Organization, the Southern African Development Community and the World Customs Organization,

Noting regional efforts to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever and by whomsoever committed, including through the elaboration of, and adherence to, regional conventions,

Recalling its decision in resolutions 54/110 of 9 December 1999, 55/158 of 12 December 2000, 56/88 of 12 December 2001, 57/27 of 19 November 2002, 58/81 of 9 December 2003, 59/46 of 2 December 2004, 60/43 of 8 December 2005, 61/40 of 4 December 2006, 62/71 of 6 December 2007, 63/129 of 11 December 2008, 64/118 of 16 December 2009, 65/34 of 6 December 2010 and 66/105 of 9 December 2011 that the Ad Hoc Committee established by General Assembly resolution 51/210 should address, and keep on its agenda, the question of convening a high-level conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations,

Recalling also the Final Document of the Sixteenth Summit Conference of Heads of State and Government of the Movement of Non-Aligned Countries,

adopted in Tehran on 31 August 2012,[6] which reiterated the collective position of the Movement of Non-Aligned Countries on terrorism and reaffirmed its previous initiative calling for an international summit conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations,[7] as well as other relevant initiatives,

Aware of its resolutions 57/219 of 18 December 2002, 58/187 of 22 December 2003, 59/191 of 20 December 2004, 60/158 of 16 December 2005, 61/171 of 19 December 2006, 62/159 of 18 December 2007, 63/185 of 18 December 2008, 64/168 of 18 December 2009, 65/221 of 21 December 2010 and 66/171 of 19 December 2011,

Having examined the report of the Secretary-General,[8] and the oral report of the Chair of the Working Group established by the Sixth Committee at the sixty-seventh session of the Assembly,[9]

1. *Strongly condemns* all acts, methods and practices of terrorism in all its forms and manifestations as criminal and unjustifiable, wherever and by whomsoever committed;

2. *Calls upon* all Member States, the United Nations and other appropriate international, regional and subregional organizations to implement the United Nations Global Counter-Terrorism Strategy,[1] as well as the resolutions relating to the first, second and third biennial reviews of the Strategy,[10] in all its aspects at the international, regional, subregional and national levels without delay, including by mobilizing resources and expertise;

3. *Recalls* the pivotal role of the General Assembly in following up the implementation and the updating of the Strategy, looks forward to the fourth biennial review and in this regard recalls its invitation to the Secretary-General to contribute to the future deliberations of the Assembly, and requests the Secretary-General when doing so to provide information on relevant activities within the Secretariat to ensure overall coordination and coherence in the counter-terrorism efforts of the United Nations system;

4. *Reiterates* that criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes are in any circumstances unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or other nature that may be invoked to justify them;

5. *Reiterates its call upon* all States to adopt further measures in accordance with the Charter of the United Nations and the relevant provisions of international law, including international standards of human rights, to prevent terrorism and to strengthen international cooperation in combating terrorism and, to that end, to

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[6] A/67/606-S/2012/752, annex I, paras. 225-226.

[7] See A/53/667-S/1998/1071, annex I, paras. 149-162.

[8] A/67/162 and Add.1.

[9] *Official Records of the General Assembly, Sixty-seventh Session, Sixth Committee*, 23rd meeting (A/C.6/67/SR.23), and corrigendum.

[10] Resolutions 62/272, 64/297 and 66/282.

consider in particular the implementation of the measures set out in paragraphs 3 (a) to (f) of General Assembly resolution 51/210;

6. *Also reiterates its call upon* all States, with the aim of enhancing the efficient implementation of relevant legal instruments, to intensify, as and where appropriate, the exchange of information on facts related to terrorism and, in so doing, to avoid the dissemination of inaccurate or unverified information;

7. *Reiterates its call upon* States to refrain from financing, encouraging, providing training for or otherwise supporting terrorist activities;

8. *Expresses concern* at the increase in incidents of kidnapping and hostage-taking with demands for ransom and/or political concessions by terrorist groups, and expresses the need to address this issue;

9. *Urges* States to ensure that their nationals or other persons and entities within their territory that wilfully provide or collect funds for the benefit of persons or entities who commit, or attempt to commit, facilitate or participate in the commission of terrorist acts are punished by penalties consistent with the grave nature of such acts;

10. *Reminds* States of their obligations under relevant international conventions and protocols and Security Council resolutions, including Council resolution 1373 (2001), to ensure that perpetrators of terrorist acts are brought to justice;

11. *Reaffirms* that international cooperation as well as actions by States to combat terrorism should be conducted in conformity with the principles of the Charter, international law and relevant international conventions;

12. *Recalls* the adoption of the International Convention for the Suppression of Acts of Nuclear Terrorism,[11] the Amendment to the Convention on the Physical Protection of Nuclear Material,[12] the Protocol of 2005 to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation[13] and the Protocol of 2005 to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf,[14] and urges all States to consider, as a matter of priority, becoming parties to these instruments;

13. *Urges* all States that have not yet done so to consider, as a matter of priority and in accordance with Security Council resolution 1373 (2001) and Council resolution 1566 (2004) of 8 October 2004, becoming parties to the relevant conventions and protocols as referred to in paragraph 6 of General Assembly resolution 51/210, as well as the International Convention for the Suppression of Terrorist Bombings,[15] the International Convention for the Suppression of the Financing of Terrorism,[16] the International Convention for the Suppression of Acts

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[11] United Nations, *Treaty Series*, vol. 2445, No. 44004.

[12] Adopted on 8 July 2005 by the Conference to Consider and Adopt Proposed Amendments to the Convention on the Physical Protection of Nuclear Material.

[13] Adopted on 14 October 2005 by the Diplomatic Conference on the Revision of the SUA Treaties (LEG/CONF.15/21).

[14] Adopted on 14 October 2005 by the Diplomatic Conference on the Revision of the SUA Treaties (LEG/CONF.15/22).

[15] United Nations, *Treaty Series*, vol. 2149, No. 37517.

[16] Ibid., vol. 2178, No. 38349.

of Nuclear Terrorism and the Amendment to the Convention on the Physical Protection of Nuclear Material, and calls upon all States to enact, as appropriate, the domestic legislation necessary to implement the provisions of those conventions and protocols, to ensure that the jurisdiction of their courts enables them to bring to trial the perpetrators of terrorist acts and to cooperate with and provide support and assistance to other States and relevant international and regional organizations to that end;

14. *Urges* States to cooperate with the Secretary-General and with one another, as well as with interested intergovernmental organizations, with a view to ensuring, where appropriate within existing mandates, that technical and other expert advice is provided to those States requiring and requesting assistance in becoming parties to and implementing the conventions and protocols referred to in paragraph 13 above;

15. *Notes with appreciation and satisfaction* that, consistent with the call contained in paragraphs 12 and 13 of General Assembly resolution 66/105, a number of States became parties to the relevant conventions and protocols referred to therein, thereby realizing the objective of wider acceptance and implementation of those conventions;

16. *Reaffirms* the Declaration on Measures to Eliminate International Terrorism[17] and the Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism,[18] and calls upon all States to implement them;

17. *Calls upon* all States to cooperate to prevent and suppress terrorist acts;

18. *Urges* all States and the Secretary-General, in their efforts to prevent international terrorism, to make the best use of the existing institutions of the United Nations;

19. *Notes* that the United Nations Counter-Terrorism Centre has commenced its activities within the Counter-Terrorism Implementation Task Force in New York and that the Centre is performing its duties in supporting the implementation of the United Nations Global Counter-Terrorism Strategy, and encourages all Members States to collaborate with the Centre and to contribute to the implementation of its activities within the Task Force;

20. *Requests* the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime in Vienna to continue its efforts to enhance, through its mandate, the capabilities of the United Nations in the prevention of terrorism, and recognizes, in the context of the United Nations Global Counter-Terrorism Strategy and Security Council resolution 1373 (2001), its role in assisting States in becoming parties to and implementing the relevant international conventions and protocols relating to terrorism, including the most recent among them, and in strengthening international cooperation mechanisms in criminal matters related to terrorism, including through national capacity-building;

21. *Welcomes* the current efforts by the Secretariat to prepare the fourth edition of the publication *International Instruments related to the Prevention and Suppression of International Terrorism* in all official languages;

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[17] Resolution 49/60, annex.

[18] Resolution 51/210, annex.

22. *Invites* regional intergovernmental organizations to submit to the Secretary-General information on the measures they have adopted at the regional level to eliminate international terrorism, as well as on intergovernmental meetings held by those organizations;

23. *Notes* the progress made in the elaboration of the draft comprehensive convention on international terrorism during the meeting of the Working Group established by the Sixth Committee during the sixty-seventh session of the General Assembly, and welcomes continuing efforts to that end;

24. *Decides* to recommend that the Sixth Committee, at the sixty-eighth session of the General Assembly, establish a working group with a view to finalizing the draft comprehensive convention on international terrorism and continuing to discuss the item included in its agenda by Assembly resolution 54/110 concerning the question of convening a high-level conference under the auspices of the United Nations;

25. *Also decides* that the Ad Hoc Committee established by General Assembly resolution 51/210 shall, on an expedited basis, continue to elaborate the draft comprehensive convention on international terrorism and to discuss the item included in its agenda by Assembly resolution 54/110 concerning the question of convening a high-level conference under the auspices of the United Nations;

26. *Further decides* that the Ad Hoc Committee shall meet from 8 to 12 April 2013 in order to fulfil the mandate referred to in paragraph 25 above and that its future meetings shall be decided upon subject to substantive progress in its work;

27. *Requests* the Secretary-General to continue to provide the Ad Hoc Committee with the facilities necessary for the performance of its work;

28. *Requests* the Ad Hoc Committee to report to the General Assembly at its sixty-seventh session in the event of the completion of the draft comprehensive convention on international terrorism;

29. *Also requests* the Ad Hoc Committee to report to the General Assembly at its sixty-eighth session on progress made in the implementation of its mandate;

30. *Encourages* all Member States to redouble their efforts during the intersessional period towards resolving any outstanding issues;

31. *Decides* to include in the provisional agenda of its sixty-eighth session the item entitled "Measures to eliminate international terrorism".

United Nations A/C.6/67/L.13

General Assembly

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Sixty-seventh session
Sixth Committee
Agenda item 79
Report of the International Law Commission on the work of its sixty-third and sixty-fourth sessions

Draft resolution

Report of the International Law Commission on the work of its sixty-third and sixty-fourth sessions

The General Assembly,

Having considered the report of the International Law Commission on the work of its sixty-fourth session,[1]

Emphasizing the importance of furthering the progressive development and codification of international law as a means of implementing the purposes and principles set forth in the Charter of the United Nations and in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,[2]

Recognizing the desirability of referring legal and drafting questions to the Sixth Committee, including topics that might be submitted to the International Law Commission for closer examination, and of enabling the Sixth Committee and the Commission to enhance further their contribution to the progressive development and codification of international law,

Recalling the need to keep under review those topics of international law which, given their new or renewed interest for the international community, may be suitable for the progressive development and codification of international law and therefore may be included in the future programme of work of the International Law Commission,

Recalling also the role of Member States in submitting proposals for new topics for the consideration of the International Law Commission, and noting in this regard the recommendation of the Commission that such proposals be accompanied by a statement of reasons,

[1] *Official Records of the General Assembly, Sixty-seventh Session, Supplement No. 10* (A/67/10).
[2] Resolution 2625 (XXV), annex.

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Please recycle

Reaffirming the importance for the successful work of the International Law Commission of the information provided by Member States concerning their views and practice,

Recognizing the importance of the work of the special rapporteurs of the International Law Commission,

Welcoming the holding of the International Law Seminar, and noting with appreciation the voluntary contributions made to the United Nations Trust Fund for the International Law Seminar,

Acknowledging the importance of facilitating the timely publication of the *Yearbook of the International Law Commission* and of eliminating the backlog,

Stressing the usefulness of focusing and structuring the debate on the report of the International Law Commission in the Sixth Committee in such a manner that conditions are provided for concentrated attention to each of the main topics dealt with in the report and for discussions on specific topics,

Wishing to enhance further, in the context of the revitalization of the debate on the report of the International Law Commission, the interaction between the Sixth Committee as a body of governmental representatives and the Commission as a body of independent legal experts, with a view to improving the dialogue between the two bodies,

Welcoming initiatives to hold interactive debates, panel discussions and question time in the Sixth Committee, as envisaged in resolution 58/316 of 1 July 2004 on further measures for the revitalization of the work of the General Assembly,

1. *Takes note* of the report of the International Law Commission on the work of its sixty-fourth session;[1]

2. *Expresses its appreciation* to the International Law Commission for the work accomplished at its sixty-fourth session, in particular for the completion of the first reading of the draft articles on the expulsion of aliens;

3. *Recommends* that the International Law Commission continue its work on the topics in its current programme, taking into account the comments and observations of Governments, whether submitted in writing or expressed orally in debates in the Sixth Committee;

4. *Draws the attention* of Governments to the importance for the International Law Commission of having their views on the various aspects of the topics on the agenda of the Commission, in particular on all the specific issues identified in chapter III of its report, regarding:

(a) Immunity of State officials from foreign criminal jurisdiction;

(b) Formation and evidence of customary international law;

5. *Decides* that the consideration of chapter IV of the report of the International Law Commission on the work of its sixty-third session,[3] dealing with the topic "Reservations to treaties", shall be continued at the sixty-eighth session of

[3] *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 10* (A/66/10 and Add.1).

the General Assembly, during the consideration of the report of the Commission on the work of its sixty-fifth session;

6. *Draws the attention* of Governments to the importance for the International Law Commission of having their comments and observations by 1 January 2014 on the draft articles and commentaries on the topic "Expulsion of aliens" adopted on first reading by the Commission at its sixty-fourth session;[4]

7. *Notes with appreciation* the decision of the International Law Commission to include the topics "Provisional application of treaties" and "Formation and evidence of customary international law" in its programme of work,[5] and encourages the Commission to continue the examination of the topics that are in its long-term programme of work; [6]

8. *Invites* the International Law Commission to continue to give priority to the topics "Immunity of State officials from foreign criminal jurisdiction" and "The obligation to extradite or prosecute (*aut dedere aut judicare*)";

9. *Takes note* of the oral report by the Secretariat on assistance to special rapporteurs of the International Law Commission[7] and of paragraph 280 of the report of the Commission,[1] and requests the Secretary-General to continue his efforts to identify concrete options for support for the work of special rapporteurs, additional to those provided under General Assembly resolution 56/272 of 27 March 2002;

10. *Welcomes* the efforts of the International Law Commission to improve its methods of work,[8] and encourages the Commission to continue this practice;

11. *Takes note* of the tentative work programme of the International Law Commission for the remainder of the quinquennium, as reflected in paragraph 273 of its report;[1]

12. *Decides* to revert to the consideration of the recommendation contained in paragraph 388 of the report of the International Law Commission on the work of its sixty-third session[9] during the sixty-eighth session of the General Assembly;

13. *Invites* the International Law Commission to continue taking measures to enhance its efficiency and productivity and to consider making proposals to Member States to that end;

14. *Encourages* the International Law Commission to continue taking cost-saving measures at its future sessions, without prejudice to the efficiency and effectiveness of its work;

15. *Takes note* of paragraph 290 of the report of the International Law Commission,[1] and decides that the next session of the Commission shall be held at

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[4] Ibid., *Sixty-seventh Session, Supplement No. 10* (A/67/10), para. 43.

[5] Ibid., chap. XII, paras. 267 and 268.

[6] Ibid., *Sixty-sixth Session, Supplement No. 10* (A/66/10), paras. 365-369.

[7] Ibid., *Sixty-seventh Session, Sixth Committee*, 18th meeting (A/C.6/67/SR.18), and corrigendum; see also ibid., *Sixty-sixth Session, Sixth Committee*, 26th meeting (A/C.6/66/SR.26), and corrigendum, A/64/283 and A/65/186.

[8] See *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 10* (A/66/10), paras. 370-388.

[9] *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 10* (A/66/10).

the United Nations Office at Geneva from 6 May to 7 June and from 8 July to 9 August 2013;

16. *Stresses* the desirability of further enhancing the dialogue between the International Law Commission and the Sixth Committee at the sixty-eighth session of the General Assembly, and in this context encourages, inter alia, the continued practice of informal consultations in the form of discussions between the members of the Sixth Committee and the members of the Commission attending the sixty-eighth session of the Assembly;

17. *Encourages* delegations, during the debate on the report of the International Law Commission, to adhere as far as possible to the structured work programme agreed to by the Sixth Committee and to consider presenting concise and focused statements;

18. *Encourages* Member States to consider being represented at the level of legal adviser during the first week in which the report of the International Law Commission is discussed in the Sixth Committee (International Law Week) to enable high-level discussions on issues of international law;

19. *Requests* the International Law Commission to continue to pay special attention to indicating in its annual report, for each topic, any specific issues on which expressions of views by Governments, either in the Sixth Committee or in written form, would be of particular interest in providing effective guidance for the Commission in its further work;

20. *Takes note* of paragraphs 291 to 296 of the report of the International Law Commission[1] with regard to cooperation and interaction with other bodies, and encourages the Commission to continue the implementation of articles 16 (e), 25 and 26 of its Statute in order to further strengthen cooperation between the Commission and other bodies concerned with international law, having in mind the usefulness of such cooperation;

21. *Notes* that consulting with national organizations and individual experts concerned with international law may assist Governments in considering whether to make comments and observations on drafts submitted by the International Law Commission and in formulating their comments and observations;

22. *Reaffirms* its previous decisions concerning the indispensable role of the Codification Division of the Office of Legal Affairs of the Secretariat in providing assistance to the International Law Commission, including in the preparation of memorandums and studies on topics on the agenda of the Commission;

23. *Reaffirms* its previous decisions concerning the documentation and summary records of the International Law Commission;[10]

24. *Welcomes* the institutionalization of the practice of the Secretariat to include the provisional summary records on the website relating to the work of the International Law Commission,

25. *Stresses* the need to expedite the preparation of the summary records of the International Law Commission;

[10] See resolutions 32/151, para. 10, and 37/111, para. 5, and all subsequent resolutions on the annual reports of the International Law Commission to the General Assembly.

26. *Endorses* the recommendation contained in paragraph 283 of the report of the International Law Commission;

27. *Takes note* of paragraph 284 of the report of the International Law Commission,[1] stresses the unique value of the *Yearbook of the International Law Commission*, and requests the Secretary-General to ensure its timely publication in all official languages;

28. *Also takes note* of paragraph 287 of the report of the International Law Commission,[1] expresses its appreciation to Governments that have made voluntary contributions to the trust fund on the backlog relating to the *Yearbook of the International Law Commission*, and encourages further contributions to the fund;

29. *Welcomes* the continuous efforts of the Codification Division to maintain and improve the website relating to the work of the International Law Commission;[11]

30. *Expresses the hope* that the International Law Seminar will continue to be held in connection with the sessions of the International Law Commission and that an increasing number of participants representing the principal legal systems of the world, including in particular those from developing countries, will be given the opportunity to attend the Seminar, as well as delegates to the Sixth Committee, and appeals to States to continue to make urgently needed voluntary contributions to the United Nations Trust Fund for the International Law Seminar;

31. *Requests* the Secretary-General to provide the International Law Seminar with adequate services, including interpretation, as required, and encourages him to continue considering ways to improve the structure and content of the Seminar;

32. *Underlines the importance* of the records and topical summary of the debate in the Sixth Committee for the deliberations of the International Law Commission and, in this regard, requests the Secretary-General to forward to the Commission, for its attention, the records of the debate on the report of the Commission at the sixty-seventh session of the General Assembly, together with such written statements as delegations may circulate in conjunction with their oral statements, and to prepare and distribute a topical summary of the debate, following established practice;

33. *Requests* the Secretariat to circulate to States, as soon as possible after the conclusion of the session of the International Law Commission, chapter II of its report containing a summary of the work of that session, chapter III containing the specific issues on which the views of Governments would be of particular interest to the Commission and the draft articles adopted on either first or second reading by the Commission;

34. *Also requests* the Secretariat to make the complete report of the International Law Commission available as soon as possible after the conclusion of the session of the Commission for the consideration of Member States with due anticipation and no later than the prescribed time limit for reports in the General Assembly;

35. *Encourages* the International Law Commission to continue considering ways in which specific issues on which the views of Governments would be of

[11] www.un.org/law/ilc.

particular interest to the Commission could be framed so as to help Governments to have a better appreciation of the issues on which responses are required;

36. *Recommends* that the debate on the report of the International Law Commission at the sixty-eighth session of the General Assembly commence on 28 October 2013.

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General Assembly

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Sixty-seventh session
Sixth Committee
Agenda item 80
Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts

Australia, Austria, Bulgaria, Costa Rica, Croatia, Czech Republic, Denmark, Finland, France, Ghana, Greece, Hungary, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Montenegro, Netherlands, New Zealand, Norway, Peru, Poland, Portugal, Serbia, Slovenia, South Africa, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Trinidad and Tobago and United Kingdom of Great Britain and Northern Ireland: draft resolution

Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts

The General Assembly,

Recalling its biennial resolutions on the status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts, including its resolution 65/29 of 6 December 2010,

Having considered the report of the Secretary-General,[1]

Reaffirming the continuing value of established humanitarian rules relating to armed conflicts and the need to respect and ensure respect for those rules in all circumstances within the scope of the relevant international instruments, pending the earliest possible termination of such conflicts,

Stressing the need to consolidate the existing body of international humanitarian law through its universal acceptance and the need for wide dissemination and full implementation of such law at the national level, and expressing concern about all violations of the Geneva Conventions of 1949[2] and the Additional Protocols,[3]

Calling upon Member States to disseminate knowledge of international humanitarian law as widely as possible, and calling upon all parties to armed conflict to apply international humanitarian law,

[1] A/67/182 and Add.1.
[2] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.
[3] Ibid., vol. 1125, Nos. 17512 and 17513, and vol. 2404, No. 43425.

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Noting with satisfaction the increasing number of national commissions and other bodies involved in advising authorities at the national level on the implementation, dissemination and development of international humanitarian law,

Noting with appreciation the meetings of representatives of those bodies organized by the International Committee of the Red Cross, together with relevant partners such as national Red Cross and Red Crescent Societies, to facilitate the sharing of concrete experience and the exchange of views on their roles and on the challenges they face,

Stressing the possibility of making use of the International Humanitarian Fact-Finding Commission in relation to an armed conflict, pursuant to article 90 of Protocol I[4] to the Geneva Conventions,

Stressing also the possibility for the International Humanitarian Fact-Finding Commission to facilitate, through its good offices, the restoration of an attitude of respect for the Geneva Conventions and Protocol I,

Taking note of the fact that, in paragraphs 8 and 9 of its resolution 1894 (2009) of 11 November 2009 on the protection of civilians in armed conflict, the Security Council noted the range of existing methods used, on a case-by-case basis, for gathering information on alleged violations of applicable international law relating to the protection of civilians, underlined the importance in that regard of receiving information that is timely, objective, accurate and reliable, and considered the possibility, to that end, of using the International Humanitarian Fact-Finding Commission established by article 90 of Protocol I,

Mindful of the role of the International Committee of the Red Cross in offering protection to the victims of armed conflicts,

Noting with appreciation the continuing efforts of the International Committee of the Red Cross to promote and disseminate knowledge of international humanitarian law, in particular the Geneva Conventions and the Additional Protocols,

Noting the special responsibilities of national Red Cross and Red Crescent Societies, as auxiliaries to the public authorities of their respective States in the humanitarian field, to cooperate with and assist their Governments in the promotion, dissemination and implementation of international humanitarian law,

Recalling the undertakings of the Thirty-first International Conference of the Red Cross and Red Crescent, held in Geneva from 28 November to 1 December 2011, which reaffirmed the need to reinforce the implementation of and respect for international humanitarian law,

Welcoming the launch of the initiative by Switzerland, in collaboration with the International Committee of the Red Cross, to facilitate a process aimed at exploring and identifying concrete ways and means to strengthen the application of international humanitarian law, including ensuring the effectiveness of mechanisms of compliance and reinforcing dialogue on issues of international humanitarian law,

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[4] Ibid., vol. 1125, No. 17512.

Noting the serious concern expressed by States regarding the humanitarian impact caused by cluster munitions, and taking note of the entry into force of the Convention on Cluster Munitions[5] on 1 August 2010,

Welcoming the significant debate generated by the publication in 2005 of the study by the International Committee of the Red Cross on customary international humanitarian law and recent initiatives by the Committee, including the online launch of the updated study, as well as the growing number of translations into other languages of parts of the study, and looking forward to further constructive discussion on the subject,

Acknowledging the fact that the Rome Statute of the International Criminal Court[6] covers the most serious crimes of international concern under international humanitarian law and that the Statute, while recalling that it is the duty of every State to exercise its criminal jurisdiction over those responsible for such crimes, shows the determination of the international community to put an end to impunity for the perpetrators of such crimes and thus to contribute to their prevention,

Noting the amendments to article 8 of the Rome Statute of the International Criminal Court, relating to war crimes under the Statute, adopted at the Review Conference of the Rome Statute, held in Kampala, on 10 June 2010,[7]

Acknowledging the usefulness of discussing in the General Assembly the status of instruments of international humanitarian law relevant to the protection of victims of armed conflicts,

1. *Welcomes* the universal acceptance of the Geneva Conventions of 1949,[2] and notes the trend towards a similarly wide acceptance of the two Additional Protocols of 1977;[8]

2. *Calls upon* all States parties to the Geneva Conventions that have not yet done so to consider becoming parties to the Additional Protocols[3] at the earliest possible date;

3. *Calls upon* all States that are already parties to Protocol I,[4] or those States not parties, on becoming parties to Protocol I, to make the declaration provided for under article 90 of that Protocol and to consider making use, where appropriate, of the services of the International Humanitarian Fact-Finding Commission in accordance with the provisions of article 90 of Protocol I;

4. *Calls upon* all States that have not yet done so to consider becoming parties to the Convention for the Protection of Cultural Property in the Event of Armed Conflict and the two Protocols thereto[9] and to other relevant treaties on international humanitarian law relating to the protection of victims of armed conflict;

5. *Calls upon* States to consider becoming parties to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict;[10]

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[5] A/C.1/63/5, enclosure, part II.

[6] United Nations, *Treaty Series*, vol. 2187, No. 38544.

[7] See resolution RC/Res.5 of the Review Conference.

[8] United Nations, *Treaty Series*, vol. 1125, Nos. 17512 and 17513.

[9] Ibid., vol. 249, No. 3511, and vol. 2253, No. 3511.

[10] Ibid., vol. 2173, No. 27531.

6. *Calls upon* all States parties to the Protocols Additional to the Geneva Conventions to ensure their wide dissemination and full implementation;

7. *Affirms* the necessity of making the implementation of international humanitarian law more effective, and supports its further strengthening and development;

8. *Notes with appreciation* the adoption at the Thirtieth International Conference of the Red Cross and Red Crescent, held in Geneva from 26 to 30 November 2007, of resolution 3 entitled "Reaffirmation and implementation of international humanitarian law: preserving human life and dignity in armed conflict", which, inter alia, reiterates the obligation of States to take national measures to implement international humanitarian law, including training the armed forces and making this law known among the general public, as well as adopting legislation to punish war crimes in accordance with their international obligations;

9. *Also notes with appreciation* the adoption by the Thirty-first International Conference of the Red Cross and Red Crescent, held in Geneva from 28 November to 1 December 2011, of resolution 1 entitled "Strengthening legal protection for victims of armed conflicts", which, inter alia, stresses that greater compliance with international humanitarian law is an indispensable prerequisite for improving the situation of victims of armed conflict and reaffirms the obligation of all States and all parties to armed conflict to respect and ensure respect for international humanitarian law in all circumstances;

10. *Recognizes*, taking into account questions raised by States during the preparation for the Thirty-first International Conference of the Red Cross and Red Crescent and in the debates at the Conference, the importance of exploring ways to enhance and ensure the effectiveness of mechanisms of compliance with international humanitarian law, with a view to strengthening legal protection for all victims of armed conflict, and in this regard welcomes the launch of the initiative by Switzerland, in collaboration with the International Committee of the Red Cross, to facilitate a process in this regard;

11. *Welcomes* the activities of the Advisory Service on International Humanitarian Law of the International Committee of the Red Cross in supporting efforts made by Member States to take legislative and administrative action to implement international humanitarian law and in promoting the exchange of information on those efforts between Governments, and reminds Member States of the availability of the manual on domestic implementation of international humanitarian law;

12. *Also welcomes* the increasing number of national commissions or committees for the implementation of international humanitarian law and their work in promoting the incorporation of treaties on international humanitarian law into national law and disseminating the rules of international humanitarian law;

13. *Requests* the Secretary-General to submit to the General Assembly at its sixty-ninth session a report on the status of the Additional Protocols relating to the protection of victims of armed conflicts, as well as on measures taken to strengthen the existing body of international humanitarian law, inter alia, with respect to its dissemination and full implementation at the national level, based on information received from Member States and the International Committee of the Red Cross;

14. *Encourages* Member States and the International Committee of the Red Cross, in transmitting information to the Secretary-General, to focus on new developments and activities during the reporting period;

15. *Encourages* Member States to explore ways of facilitating the submission of information for future reports of the Secretary-General and, in this context, to consider the convenience of using a questionnaire to be drafted by Member States, with the assistance of the International Committee of the Red Cross and, as appropriate, in consultation with the Secretariat, for submission to the General Assembly at its sixty-ninth session;

16. *Decides* to include in the provisional agenda of its sixty-ninth session the item entitled "Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts".